REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 9 and 11-15 are pending, Claims 9, 12, 13 and 14 having been amended by way of the present amendment.

In the outstanding Office Action Claims 9 and 11-15 were rejected as being unpatentable over Kawamura (EP 0 835 029) in view of Ellis et al (U.S. Patent Publication No. US 2005/0028208, hereinafter Ellis).

In reply, Claim 9 has been amended to further clarify the invention and distinguish the asserted prior art. The claimed tuner unit of Claim 9 requires, among other things, an ability to generate a transport stream from a received service, where the received service has a plurality of program contents and complete service information associated with the plurality of program contents. The plurality of program contents comprises subsets of partial transport streams and complete service information, which is descriptive of the content conveyed by a predetermined partial transport stream and a remaining portion of the partial transport streams. A service information control unit extracts the complete service information from the transport stream and (1) in a first mode of operation extracts the complete service information from the transport stream and distributes it to a network connected to the tuning device, and (2) in a second mode of operation extracts the predetermined partial transport stream from the transport stream and causes a storage unit to store the predetermined partial transport stream and to output it to the network upon request.

As a preliminary matter, it should be noted that Ellis claims to be a continuation of U.S. Application No. 09/354,344. However, not all the features disclosed in Ellis are found within its priority document. For example Figures 27, 29, 36 and 38, as cited in the Office Action are not found in Ellis' parent, namely U.S. Application No. 09/354,344. Because these figures constitute new matter, and Ellis' filing date (August 26, 2004) is after the filing

date (August 15, 2002) for the present application, at least figures 27, 29, 36, and 38 in Ellis cannot properly be relied on as being prior art with respect to the pending claims.

In the other portions of Ellis, Ellis uses a storage unit configured to store at least a partial transport stream. However, this partial transport stream which is to be stored in a secondary storage device (device 32) is "extracted" from the transport stream automatically, but then divided from the video and data that reaches set top box by a user who chooses a certain video signal/program.

Amended Claim 9 operates differently, in that the transport stream includes several partial transport streams and a complete service information. From this transport stream the complete service information is separated (extracted), and then a predetermined partial transport stream is extracted on the basis of the information drawn from the complete transport stream, which had been previously extracted. Thus, there will remain other partial transport streams that are not stored to any storage medium.

To better illustrate this distinction, it is noted that the tuning device of Claim 9 receives a service which has a plurality of program contents, from which multiple partial transport streams may be generated and complete service information obtained. The complete service information is associated with the plurality of program contents. The service information control unit then, when in a first mode of operation extracts the complete service information from the transport stream and distributes it to the output device connected to the tuning device. However, when in a second operation mode the service information control unit extracts a predetermined partial information stream from the transport stream and causes the storage unit to store the partial transport stream, but not all of the remaining partial transport streams.

These above-described features are significant, especially for distinguishing Ellis. For example, there may be one or more partial transport streams of the original transport stream

that are neither stored in the storage unit, nor even sent to the network. Furthermore, decreased network traffic results from the fact that only a predetermined partial transport stream is sent on request via the network instead of always sending the complete transport stream. This attribute is powerful in that it enables time-shift applications in an easy and uncomplicated way, when the service information that is sent is extracted from the received transport stream so the output device need not carry the full amount of data.

In contrast, Ellis does not describe a storage unit where video signals and content data are stored. Instead, Ellis relies on a completely different operation, in that Ellis aims to provide a program guide system that allows a user to adjust the user settings of the plurality of program guides at different locations within a house from a single location. Therefore, once an entire set of data is transmitted to the household system, such adjustment is performed. However, this adjustment cannot be prevented in that all of the data has to be transmitted to the household system. In effect, this system operates on a local interactive television program guide and, for example, enables parents to prevent unknown viewing of certain programs by their children on different TV sets within the household. In summary, the whole program package enters the household system, but not every person at every TV set has access to the entire content.

This operation is realized in Ellis by using the control part 34 which decides whether the video signal within the second storage device is output to the television via communication path 38. Accordingly, the transport stream including the video and data enters the system, and then only if desired by the interactive television program guide, which is run on the set top box 28, on television 36, and on secondary storage device 32, restricts the output to the television data.

Accordingly, in comparison with amended Claim 9, Ellis operates on a different principle than the presently claimed invention because Ellis sends all of the information into

the household data and then subsequently selects certain programs to not be retrievable by certain output devices. In contrast, Claim 9 first extracts service information from the transport stream, and then by way of assistance from the service information, extracts partial transport streams from the transport stream. An advantage with this approach is that there will be some partial transport streams that are not stored in any storage medium, thereby saving on system resources.

Accordingly, because neither Kawamura nor Ellis teach or suggest all of the elements of Claim 9, it is respectfully submitted that Claim 9 as amended patentably defines over Kawamura in view of Ellis. As Claims 11-15 depend from Claim 9, it is respectfully submitted that these claims also patentably define over the asserted prior art.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 9 and 11-15, as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is respectfully requested.

Respectfully submitted,

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